

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
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IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL NO. 1456

CIVIL ACTION NO. 01-CV-12257-PBS

THIS DOCUMENT RELATES TO:

Judge Patti B. Saris

State of Montana v. Abbott Laboratories, Inc.
D. Mont. Cause No. 02-09-H-DVM;
State of Nevada v. American Home Products
Corp., D. Nev. Cause No. 02-0202-ECR

**JOINDER OF FUJISAWA HEALTHCARE, INC. AND FUJISAWA
USA, INC. IN DEFENDANTS' JOINT MOTION TO DISMISS**

Defendants Fujisawa Healthcare, Inc. ("FHI") and Fujisawa USA, Inc. ("FUSA") hereby join in the Motion to Dismiss the Amended Complaints in *State of Montana v. Abbott Laboratories, Inc.* and *State of Nevada v. American Home Products Corp.* filed by Defendants on September 15, 2003.

Neither FHI nor FUSA originally joined the Defendants' Motion to Dismiss because, although they were named in the caption, they had not been served with process. Service was perfected on October 14, 2003, and therefore FHI and FUSA respectfully join the Defendants' Motion to Dismiss the Amended Complaints in the above-captioned cases.

Respectfully Submitted,

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Inc.

Dated: December 3, 2003

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Joinder of Fujisawa Healthcare, Inc. and Fujisawa USA, Inc. in Defendants' Motion to Dismiss was delivered to all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending, on December 3, 2003, a copy to Verilaw Technologies for posting and notification to all parties.

/s/ Andrew L. Hurst

Andrew L. Hurst